the cestui que trust may recover the proceeds from the trustee and his trustee in bankruptcy.

The decision of the Supreme Court, which is here reversed, 86 App. Div. 260, was to the effect that the right of the cestui que trust was against the real estate in the hands of the third party and not against the trustee. Cases are there cited showing that where money is paid by A to B, who has a just claim, but where C is in fact legally entitled, C must sue A and has no cause of action against B. *Butterworth v. Gould,* 41 N. Y. 450; *Hathaway v. Homer,* 54 N. Y. 655. But in respect to property the rule is different. Property may usually be followed into whatsoever form it can be traced. *Church v. Lee,* 5 Johns. 348; *Street v. Nelson,* 80 Ala. 230. In a case similar to the present one, *Re Mulligan,* 116 Fed. 715, no action lay against the trustee in bankruptcy, but it was not distinctly proved that the money he received was the proceeds of the property of the plaintiff. In the present case the proceeds were traced directly into the hands of the trustee in bankruptcy. Therefore, although some cases hold that, since it was mingled with other funds, it lost its identity, and the cestui que trust was in no better position than the other creditors, *Steamboat Co. v. Locke,* 73 Me. 370, yet the general rule is, that such money may be recovered in preference to other debts. *Bank v. Peters,* 123 N. Y. 272; *Trust Co. v. St. Louis, etc., Co.,* 99 Fed. 485.

CONSTITUTIONAL LAW—NEGROES AS GRAND JURORS—INQUIRY OF FEDERAL COURT INTO RULES OF LOCAL PRACTICE.—ROGERS V. ALABAMA, 24 SUP. CT. 257. —Plaintiff in error made a motion, two printed pages in length, to quash an indictment, because of the exclusion of negroes from the grand jury list, alleging that this was due to the inequality of his race under the State constitution. The State court struck the motion from the files, under color of local practice, on the ground of prolixity. *Held,* that this was a violation of the Fourteenth Amendment of the Federal Constitution.

The United States Supreme Court has repeatedly held that whoever, while representing a State in an official capacity, deprives another of his legal rights, thereby violates the Fourteenth Amendment, whether this be done with or without the authority of the State laws. *Ex parte v. Virginia,* 100 U. S. 339; *Trauder v. W. Va.,* 100 U. S. 303; *Neal v. Delaware,* 103 U. S. 370; *Gibson v. Mississippi,* 162 U. S. 565. And the same court will freely examine the validity of the pleadings, as well as the sufficiency of the evidence, when a constitutional question is involved. *U. S. Rev. Stat.,* sec. 709; *Boyd v. Thayer,* 143 U. S. 180; *Murdock v. Memphis,* 20 Wall. 590; *Osborn v. Florida,* 160 U. S. 650; *McLaughlin v. Fowler,* 154 U. S. 663. Nor will it hesitate to look behind any disguise assumed by a State court. *Neal v. Delaware, supra; Mitchell v. Clark,* 100 U. S. 645. A prisoner has a constitutional right to offer evidence in support of a motion to quash the indictment which charges that he has been discriminated against because of race. *Smith v. Mississippi,* 162 U. S. 601; *Williams v. Mississippi,* 170 U. S. 213; *Carter v. Texas,* 177 U. S. 442. The principal case extends this rule even to a motion that may seem superfluous, so long as it is not irrelevant. This is holding merely that the criminal has a right to prove his case, however weak it may seem. But see *Calwell v. Texas,* 137 U. S. 692.

CONSTITUTIONAL LAW—CORPORATIONS—FULL FAITH AND CREDIT TO FOREIGN JUDGMENTS.—ANGLO-AMERICAN PROV. CO. V. DAVIS PROV. CO., 24 SUP.